

Wiretaps Allowed In Crime Package

Policemen and prosecutors in Washington will find a potent new arsenal of law enforcement weapons in the package of court reform legislation that the Nixon administration sent to Congress yesterday.

Electronic eavesdropping without a court order in "emergency situations" would be authorized.

A "no-knock rule" that would permit police to serve search warrants without announcing their arrival is also included.

Justice Department officials made it clear that their bills represent the President's thinking on solutions to the crime problem nationally. The legislation contains several "get tough" provisions that are certain to be challenged in court.

But the same bills would eliminate the liberal-dominated U.S. Court of Appeals here from consideration of these issues, giving the new procedures a better chance to survive appellate court scrutiny.

The wiretapping law is expected to be used by U.S. Attorney Thomas A. Flannery in the campaign against organized crime that he announced on Wednesday.

It would confer on local law enforcement authorities and the local courts the same broad eavesdropping powers granted to the Federal Government by the 1962 omnibus crime bill.

If the U.S. Attorney or anyone he deputizes feels that "an emergency situation exists" regarding "conspiratorial activities characteristic of organized crime," he may intercept elec-

tronic communications for up to 48 hours, provided that he notifies the court within that time.

If there is no "emergency situation," the prosecutor's office may seek court authorization for up to 30 days of wiretapping on suspected drug dealers, murderers, robbers, thieves, abortionists and bribers.

With elaborate procedures for judicial review and supervision, information obtained in that way would be admissible as evidence in criminal trials.

Police or other authorities executing search or arrest warrants would benefit from the "no-knock rule," which they could invoke at their own discretion, to enter any premises where the announcement of their arrival might result in the destruction of evidence.

This technique, already in use in New York, is considered valuable by the police in making gambling or narcotics raids.

Scattered through the massive bundle of proposed legislation that was prepared by the Justice Department, are several other provisions that could lead to more severe treatment of criminal suspects.

One would allow the prosecutors at the time of sentencing to introduce evidence unfavorable to the defendant, in an effort to persuade the judge to mete out harsh penalties.

Under current procedures, the defendant may speak in his own behalf to seek leniency, but the prosecutors are mute.

Another section would permit "special investigators" appointed by U.S. attorney to make arrests and conduct investigations with equal authority to that of the Metropolitan Police.

The bill does not spell out what the qualifications of these "special investigators" would have to be.

Court rulings unfavorable to the prosecution would be rendered far more vulnerable to appeal than they are now.

Under the bill, anytime a trial judge makes a ruling unfavorable to the prosecution, the U.S. attorney would be able to take an immediate appeal of that ruling to an appellate court—halting the trial until the appeal was decided.

If a trial resulted in acquittal by a jury, the prosecution could appeal unfavorable points of law that led to the acquittal, without disturbing the actual verdict. Justice Department officials termed this "moot appeal" provision an "experiment."

Under the proposed bill, any person convicted of three felonies, regardless of whether here or elsewhere, could be sentenced to life imprisonment, at the discretion of the judge.

The bill also specifies that if a convicted person is discovered to be a juvenile after his trial begins, the trial would go on to the end and the mistake could not be rectified at that point.